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THE REED SMOOT DECISION.

BY SHELBY M. CULLOM, UNITED STATES SENATOR FROM ILLINOIS.

THE proposition which has been so long before the Senate concerning the exclusion of Reed Smoot from this body, has proved as difficult of solution as it is serious. That it has not been considered as anything light or trivial is abundantly evident from the three years of most arduous labor which the Senate Committee on Privileges and Elections has devoted to the subject—to every phase of it which has been presented—and to the vast amount of testimony which has been taken from every source available. It has been an earnest and untiring effort to arrive at a just conclusion, observing both the demands of public opinion and the demands of the Constitution; the rights of the people and the rights of Reed Smoot.

From the nature of the case, the Senate and the public have been forced to consider the case from widely different, almost diametrically opposite, view-points. This obvious necessity has made the course of the Senate more difficult, because from its different position the public has deluged the Senate with memorials, petitions, personal applications—sometimes approaching too close to demands that Senators should see things in certain lights and act accordingly.

While the Senate Committee has been probing every charge and taking voluminous testimony—testimony that was not always reliable, but out of which the truth has finally been sifted and ably presented by various members of the Committee—the public has been supplied with equally voluminous fiction, sentiment and prejudiced impression, as well as with facts, and with comparatively little opportunity to sift and discriminate; with little certainty that its estimates were founded upon substantial truth.

It is also a fact which few appreciate that members of the Senate, as Senators, have been obliged to look at the matter in a very different light from that in which the public saw it. In reality, the opinions expressed in many of the petitions and memorials—signed by thousands of our country's most patriotic citizens—are opinions which are as earnestly held in the Senate as outside. The convictions and conclusions are mutually possessed, though a vote in apparent antagonism to them may seem to many to indicate the contrary.

If the different view-points could be fully understood, this apparent antagonism would disappear, and with it the danger that the Senate of the United States might be misconceived as endorsing the universally deprecated evils of Mormonism.

In the nature of things, I am perhaps as capable as any of seeing both sides and sympathizing with both sides, because throughout my public life—as Speaker of the House in my State Legislature, as Governor of Illinois, as member of the National House of Representatives and as a member of the Senate—my record has been one of persistent, unqualified opposition to Mormonism as it has been in the past, and as it is to-day if the same evils still exist or just so far as they exist. Mormonism, as it was, has always and upon every possible occasion received from me the severest condemnation, because of what appeared to me two most objectionable features. I refer, of course, to polygamy and hierarchy. We cannot, we must not, have the taint of either touch our history or the stain of either tinge the fair record of our nation. We cannot afford to allow the evil breath of either to influence the course of a single State or the smallest part of any State in our commonwealth. The voice of every earnest, conscientious, worthy citizen is raised against such an issue. This has always been my profound conviction and has caused me, through the past three years, to sympathize thoroughly and deeply with every honest and unprejudiced effort of public opinion to assert itself against these evils; to encourage every legitimate act of legislation which tended to reduce their influence or obliterate them.

My position is the same to-day as it has always been. I would not retract or change an act I have done or a word I have spoken or written in antagonism to the evils of Mormonism. But it is perfectly obvious that the evils of Mormonism are not what they

were. I am satisfied that polygamy, for example, has been practically obliterated; that the last of it lives in the midst of detestation, even from its fellow Mormons; that nothing further is needed to wholly abolish the miserable remnant that remains but the spirit of decency which forced intercourse with the true and the honorable has instilled through the very heart of Mormonism and must continue to instil without the aid of external agitation. Incidentally, I am satisfied that Reed Smoot has never practised polygamy, but on the contrary has always set his face against it by both practice and precept.

Polygamy could not long exist in any community brought into contact with the world through the facilities of modern intercourse and the necessities of commerce. I am convinced that we have nothing more to fear from this evil of Mormonism, and that the Senate could have found no reason to allow this question to influence its vote.

The remaining evil of the Mormon Church is of graver and more subtle importance and more difficult to deal with. If the Church be really the hierarchy which by many it has been represented to be, and a dominating feature of influence in local, State or national life, it behooves us to combat it everywhere and under all circumstances, and I give my most earnest cooperation to every honest effort in that direction. We can no better afford to have our national life tainted by church hierarchy than to have our social life tainted by polygamy. There is no difference of opinion here. There is complete unity of thought and purpose. There was no need of hundreds of thousands of signatures upon petitions and memorials to incite this sentiment in every clean, honest patriot. But the petitions, the basis of which we all respect, piled higher and higher because public sentiment, in fighting against the evils of Mormonism—either real or honestly believed to be real—was determined to strike a blow through the apostle of the Mormon Church whom the State of Utah had legally elected and the Senate had formally accepted as its representative.

I can conceive of no more unfortunate misconception than to suppose the Senate of the United States open to the influence of these memorials and petitions when once it took cognizance of the charges brought against the Senator from Utah, with the view to prove him unworthy of his seat in the Senate. From that

moment, every Senator was obliged, of necessity, to assume the position of a judge upon the bench—a judge from whose verdict there could be no appeal. It was not in legislative but in judicial capacity that testimony was heard and witnesses examined. It was as a judicial body, not as a legislature, that the Senate had to pass judgment. If the public had realized this it would have realized that, in the presentation of testimony to establish the charges and make good the case, lay its only legitimate method of influence. Memorials and petitions were as much out of place, in urging one decision or another, as if they had been presented to a court in the act of trying a case.

As individuals, Senators have sympathized with every effort to eradicate the evils of Mormonism, but he would be false to his oath of office and his duty to his country who allowed either personal prejudice, political antagonism or any amount of external influence to affect his judgment in a question of constitutional rights. The Senate had simply the legal rights of Reed Smoot to his seat in the Chamber to consider, in the light of all the evidence which in three years the Committee on Privileges and Elections had been able to collect. It had no choice or duty but to consider whatever charges were established as they affected Smoot's legal right to retain the seat to which he had been elected and in which he had been confirmed. In this light the charges themselves were weak, being from their inception aimed more at Mormonism than at Reed Smoot.

Mr. Smoot's personal record is clean. In the Senate, he has won the esteem and respect of his colleagues for many good qualities which he has exhibited. As an earnest, honest, conscientious member no one has assailed him. His home life is without a known blemish. These facts added weight to his own testimony before the Committee, to the effect that there was nothing in any oath of office he had taken, or any vow he had made in connection with the Church, which could impair his usefulness or conflict with his duty as a Senator. It is impossible, under such circumstances, not to give greater weight to this testimony than to the uncertain, often obviously sensational and fanciful, testimony to the contrary.

The question, the only question, before the Senate was whether, under these conditions, there was that in Reed Smoot, individually, which rendered him unworthy of the high office which he held.

Wholly without respect or reference to any Senator's personal convictions concerning Mormonism and the Mormon Church, the conclusion concerning Mr. Smoot as a member of the Senate was unavoidable. The verdict was one concerning Smoot's constitutional right to his seat in the Senate. It was in no way a verdict or an opinion concerning Mormonism. This is something that should be distinctly borne in mind by the earnest workers for the purity, integrity and honor of our country. They should not for a moment think that their efforts lack the sympathy and deep appreciation of their representatives. We must not for a moment relax our efforts against hierarchy, whether in church, community, State or country. It must not be allowed to impress itself upon our institutions or cast its shadow across our land.

I believe that in the end it will be found that the course of the Senate has really done more to effectively place the ban upon it, to suppress and crush the tendency as expressed in the Mormon Church, to denounce hierarchy everywhere, than if sentiment and prejudice had been allowed to gather force from popular agitation and Reed Smoot had been practically made its martyr.

SHELBY M. CULLOM.